

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 AUBREY C. AVERY, JR.,

Case No.: 2:16-cv-01774-GMN-EJY

4 Plaintiff(s),

5 v.

**ORDER REGARDING
SETTLEMENT CONFERENCE**

6 THE STATE OF NEVADA, EX REL
7 CLARK COUNTY, EX REL, LVMPD,
8 OFFICER DONOVAN, SHERIFF D.
9 GILLESPIE, ET AL., LVMP OFFICER C.
10 PARQUETTE #13937, LVMP OFFICER
11 BRISENDINE #14003,

12 Defendants.

13 A settlement conference is set for **Friday, July 31, 2020 at 9:30 a.m.**, by video conference
14 before the undersigned Magistrate Judge. ECF No. 83.

15 Plaintiff, who is in custody of the Northern Nevada Correctional Center, shall appear and
16 participate in the settlement conference through telephonic and video conferencing. The Warden
17 of Northern Nevada Correctional Center, or his designee, shall make the necessary arrangements
18 for Plaintiff to appear by video conference and shall provide **ELVIA GARCIA**, Courtroom
19 Deputy, with the video conference reservation number and the telephone number at which Plaintiff
20 can be reached at least two days prior to the settlement conference.

21 Robert W. Freeman, Jr. of Lewis Brisbois Bisgaard & Smith LLP, Counsel for Defendants
22 along with Defendants Las Vegas Metropolitan Police Department representative with settlement
23 authority, and any other necessary parties or representatives for the LVMPD who have binding
24 authority to enter into a binding settlement agreement shall be present by Zoom video conference
25 platform. Counsel for Defendants shall email Ms. Garcia at **Elvia_Garcia@nvd.uscourts.gov**,
26 **by 12:00 p.m. on July 29, 2020**, and provide the email addresses of their respective participants.
27 Ms. Garcia shall then email all participants, other than Mr. Avery, a Zoom link.
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PREPARATION FOR SETTLEMENT CONFERENCE

Plaintiff's confidential settlement conference statement is limited to no more than a total of 10 pages, including exhibits, and shall be mailed, in an envelope marked "Confidential," to:

Chambers of U.S. Magistrate Judge Elayna J. Youchah,
Suite 4068,
Lloyd D. George United States Courthouse,
333 Las Vegas Blvd., South, Las Vegas, Nevada 89101

Plaintiff shall mail his brief **no later than Monday, July 20, 2020**. Do NOT send a copy of your brief to opposing counsel.

Defendants' confidential settlement conference statement must be delivered electronically to **Emily_Santiago@nvd.uscourts.gov on July 20, 2020**. Do NOT serve a copy of your brief on Plaintiff.

The confidential settlement conference must contain the following:

1. A brief statement of the nature of the action.
2. A concise summary of the evidence that supports your theory of the case, including the names of the witnesses you anticipate will provide evidence in support of your theories. If you claim damages, explain the basis for all amounts claimed.
3. Attach documents that you believe are key to the fact and legal issues that will help the Court understand the position you take.
4. Your analysis of issues must include a discussion of the strongest points in your case, both legal and factual, and a frank discussion of the weakest points as well.
5. Identify and explain any obstacles that you believe may prevent settlement.
6. Provide the initial settlement proposal that will be presented at the settlement conference with a justification for any monetary amount. The proposal must include any non-monetary settlement terms that will be presented.

The purpose of the confidential settlement statement is to assist the undersigned Magistrate Judge to prepare for and conduct the settlement conference. In order to facilitate a meaningful conference, your complete candor is required. The confidential settlement conference statement

1 will remain confidential. If this case does not settle, the confidential settlement conference
2 statement will not be disclosed to the judge who ultimately presides over the trial. Each statement
3 will be securely maintained in my chambers and will be destroyed following the conference.

4 In addition to the above requirements, the parties and counsel must be substantially
5 prepared to meaningfully participate in the settlement conference in good faith.

6 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS**
7 **ORDER WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO**
8 **SANCTIONS UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

9 IT IS SO ORDERED.

10 Dated this 8th day of July, 2020

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14 ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE
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